

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has not amended or canceled any claims. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-16 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-4, 7-8, 10-11, 13-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants Admitted Prior Art (hereinafter AAPA) in view of Bhaumick (US 2004/0248546). The Applicant respectfully traverses the rejection of these claims.

Regarding the rejection of claim 11, the Bhaumick reference is cited for teaching a processing unit for including said location information of said at least one mobile station in said service data forwarding the cell id of the mobile station current location to a central database. The Applicant respectfully directs the Examiner's attention to claim 11.

11. (Previously Presented) A network node for a telecommunications network comprising an input unit for receiving unstructured supplementary service data from at least one mobile station, comprising
a processing unit for processing said service data, and
means for maintaining location information of said at least one mobile station, wherein said processing unit is arranged for including said location information of said at least one mobile station in said service data.
(emphasis added)

The Applicant respectfully submits that AAPA and Bhaumick, whether individually or in combination, fail to disclose all the elements of claims 11.

The at least one mobile station initiates a USSD message, which is received by the network node. The node, to which the mobile station is attached, is in a good position to know the location of the mobile station (page 4, lines 22-28). So, a processing unit in the network node adds location information to the USSD. The Applicant respectfully asserts that the USSD message sent by the mobile station, and

the network node that includes location of the mobile station in the USSD message is not disclosed by the Bhaumick reference.

As the PTO recognizes in MPEP § 2142: "The legal concept of prima facie obviousness is a procedural tool of examination which applies broadly to all arts. It allocates who has the burden of going forward with production of evidence in each step of the examination process The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the Examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of non-obviousness.... The initial evaluation of prima facie obviousness thus relieves both the examiner and applicant from evaluating evidence beyond the prior art and the evidence in the specification as filed until the art has been shown to suggest the claimed invention."

Also as provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." In that regard, the Applicant respectfully submits that the Examiner's two references still fail to teach or suggest each and every element of the presently pending independent claims.

The Applicant respectfully submits that the examiner has not produced a prima facie case of obviousness and the allowance of claim 11, analogous claim 1 and the respective dependent claims 2-4, 7-8, 10, and 13-16 is respectfully requested.

Claims 5-6 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants Admitted Prior Art (hereinafter AAPA) in view of Bhaumick (US 2004/0248546) further in view of Koster (2005/0009499) (hereinafter Koster). The Applicant respectfully traverses the rejection of these claims.

The Koster reference is a method of calculating charges based on call data records containing location data. However, Koster fails to provide the limitations missing from the Bhaumick and AAPA references. Therefore, the allowance of claims 5-6 and 12 is requested.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being obvious over Applicants Admitted Prior Art (hereinafter AAPA) in view of Bhaumick (US 2004/0248546) further in view of Syed et al (6,539,217) (hereinafter Syed). The Applicant respectfully traverses the rejection of this claim.

The Syed reference discloses a method where a time offset is calculated in either a base station or the mobile network node and transported via MSC to finally post processing and billing. However, Syed fails to provide the limitations missing from the Bhaumick and AAPA references. Therefore, the allowance of claim 9 is requested.

Statement of Common Ownership

The present application was filed after November 29, 1999.

The present application and Syed et al were, at the time the invention of the present application was made, both owned by or subject to an obligation of assignment to Ericsson Inc. Additionally the present application and Syed were, at the time of the invention of the present application, owned by or subject to an obligation of assignment to Telefonaktiebolaget LM Ericsson, a Swedish corporation, the parent company of Ericsson Inc., the assignee of the present application.

Because Syed is disqualified as prior art, a 103 rejection is not proper. Therefore, the allowance of claim 9 is respectfully requested.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants Admitted Prior Art (hereinafter AAPA) in view of Bhaumick (US 2004/0248546) further in view of Elliott et al (2008-0095339) (hereinafter Elliott). The Applicant respectfully traverses the rejection of these claims.

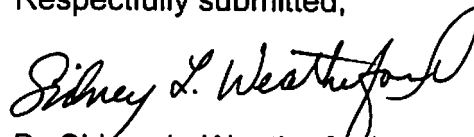
The Elliott reference fails to provide the limitations that are missing from the AAPA and Bhaumick references. Therefore, the allowance of claim 9 is requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

A handwritten signature in black ink, reading "Sidney L. Weatherford". The signature is fluid and cursive, with the first name "Sidney" being more prominent.

By Sidney L. Weatherford
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